



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/578,417

05/05/2006

Andrew Thomas Busey

104128-213501/US

2415

64494 7590 09/15/2008

GREENBERG TRAURIG, LLP (SV)

IP DOCKETING

2450 COLORADO AVENUE

SUITE 400E

SANTA MONICA, CA 90404

EXAMINER

TRAN, PHILIP B

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/578,417 | Applicant(s) BUSEY, ANDREW THOMAS | |
| | Examiner Philip B. Tran | Art Unit 2155 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/6/08</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendments

Notice to Applicant

1. This communication is in response to amendment filed 17 June 2008. Claims 1-7 and 9-11 have been amended. Claims 13-20 have been newly added. Therefore, claims 1-20 are pending for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14, 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al (Hereafter, Brewster), U.S. Pat. Application Pub. No. US 2002/0147847 in view of Forsyth, U.S. Pat. No. 7,047,030.

Regarding claim 1, Brewster teaches a method performed by at least one information handling system associated with a first client, the method comprising:

receiving an excerpt of information (i.e., receiving a first document submitted by a first user) [see Fig. 2 and Paragraph 0017 and Page 3, Right Col., Lines 20-21]; and

in response to a configuration specified by one or more files of the information handling system, performing at least one of the following operations:

automatically translating the excerpt from an XML format into a non-XML format, so that the translated excerpt is compatible for operation with the information handling system; and automatically translating the excerpt from the XML format into an alternate

XML format, so that the translated excerpt is compatible for operation with the information handling system (i.e., using XSL stylesheet to translate the XML document into different viewable formats) [see Paragraphs 0016-0017].

Brewster does not explicitly teach an excerpt of information comprising an item of music. However, Forsyth, in the same field of file sharing endeavor, discloses sharing file including music item among a group of users [see Forsyth, Col. 4, Lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Forsyth into the teaching of Brewster in order to efficiently share music file in the network.

Regarding claim 2, Brewster does not explicitly teach the method of claim 1, wherein the excerpt further comprises a music playlist. However, Forsyth, in the same field of file sharing endeavor, discloses sharing file including a music playlist among a group of users [see Forsyth, Col. 4, Lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Forsyth into the teaching of Brewster for the same reason set forth above to claim 1.

Regarding claim 3, Brewster further teaches the method of claim 1, wherein the system XML format is a generic XML format that is platform independent and not specific to the configuration of the information handling system [see Fig. 2 and Paragraphs 0005-0006 & 0016-0017].

Regarding claim 4, Brewster further teaches the method of claim 1, wherein the excerpt has a generic XML format, and wherein automatically translating the excerpt into the alternate XML format comprises automatically translating the excerpt from the generic XML format into the alternate XML format [see Paragraphs 0016-0017].

Claims 5-8 are rejected under the same rationale set forth above to claims 1-4.

Claims 9-12 are rejected under the same rationale set forth above to claims 1-4.

Regarding claim 13, Brewster further teaches the method of claim 1, wherein the non-XML format is specific to the configuration of the information handling system [see Fig. 2 and Paragraphs 0005-0006 & 0016-0017].

Regarding claim 14, Brewster further teaches the method of claim 1, wherein the alternate XML format is specific to the configuration of the information handling system [see Fig. 2 and Paragraphs 0005-0006 & 0016-0017].

Claims 16-17 are rejected under the same rationale set forth above to claims 13-14.

Claims 19-20 are rejected under the same rationale set forth above to claims 13-14.

4. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al (Hereafter, Brewster), U.S. Pat. Application Pub. No. US 2002/0147847 in view of Forsyth, U.S. Pat. No. 7,047,030 and further in view of Markel, U.S. Pat. No. 7,162,697.

Regarding claim 15, Brewster further teaches file sharing and translating file from XML format to different viewable formats [see Brewster, Fig. 2 and Paragraphs 0005-0006 & 0016-0017] and Forsyth, on the other hand, teaches the excerpt (file) is a music playlist [see Forsyth, Col. 4, Lines 9-15] as shown above. Brewster and Forsyth do not explicitly teach automatically translating from the generic XML format to a Windows Media Player format. However, Markel, in the same field of file sharing and translation endeavor, discloses automatically translating from the generic XML format to a Windows Media Player format [see Markel, Col. 7, Lines 5-23]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Markel into the teaching of Brewster and Forsyth in order to efficiently provide a specific viewable format for a particular platform.

Claim 18 is rejected under the same rationale set forth above to claim 15.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Rosenblatt et al, U.S. Pat. Application Pub. No. US 2004/0199514 A1.

B) Petersen, U.S. Pat. Application Pub. No. US 2001/0034667 A1.

C) Goodman et al, U.S. Pat. No. 7,120,691.

D) Burton et al, U.S. Pat. No. 7,130,880.

E) Fujisawa et al, U.S. Pat. Application Pub. No. US 2003/0145056 A1.

F) Plastina et al, U.S. Pat. No. 7,220,910.

G) DeMartin et al, U.S. Pat. No. 6,226,672.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2155
Sept 09, 2008